

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-1577

United States of America,

Appellee,

v.

Richard Herrin,

Appellant.

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Appeals from the United States
District Court for the Western
District of Missouri

[Unpublished]

Submitted: September 12, 2000

Filed: October 18, 2000

Before BOWMAN and BEAM, Circuit Judges, and BOGUE,¹ District Judge.

PER CURIAM.

Richard Herrin was convicted of an Independence, Missouri bank robbery. Herrin petitions for review of the District Court's² admission into evidence, testimony from his brother, sister-in-law, and a friend, which described his behavior as hostile and

¹The Honorable Andrew W. Bogue, Senior United States District Judge for the District of South Dakota, sitting by designation.

²The Honorable Dean Whipple, Chief United States District Judge for the Western District of Missouri.

threatening after the bank robbery. Herrin further alleges the District Court erred by admitting evidence of his poverty prior to the robbery and testimony of his apparent wealth thereafter.

We find that there was no abuse of discretion by the District Court in allowing the evidence to be submitted to the jury. Evidence of threats are admissible to establish consciousness of guilt. United States v. Gomez, 165 F.3d 650, 653 (8th Cir. 1999). In addition, under Haas v. United States, 344 F.2d 56, 63 (8th Cir. 1965), evidence of prior poverty and subsequent wealth is properly admissible as circumstantial evidence.

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.